

1 **FRANCIS MAILMAN SOUMILAS, P.C.**

2 James A. Francis (*pro hac vice*)
3 Lauren KW Brennan (*pro hac vice*)
4 1600 Market Street, Suite 2510
5 Philadelphia, PA 19103
6 Tel. (215) 735-8600
7 Fax. (215) 940-8000

8 Attorneys for Plaintiff Shosha Kellman

9 *Additional attorneys on signature page*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHOSHA KELLMAN, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

WFM PRIVATE LABEL, L.P., WHOLE
FOODS MARKET CALIFORNIA, INC.,
WHOLE FOODS MARKET SERVICES,
INC., and WHOLE FOODS MARKET
DISTRIBUTION, INC.

Defendants.

Case No. 17-cv-06584-LB

JOINT STATUS REPORT

1 Plaintiff Shosha Kellman (“Plaintiff”) and Defendants WFM Private Label, L.P. (“WFM
2 Private Label”), Whole Foods Market California, Inc. (“WFM California) and Whole Foods Market
3 Services, Inc. (“WFM Services” and collectively “Defendants”) and by and through their counsel
4 of record, state as follows:

5 1. The Parties previously filed a Stipulation to Vacate Deadlines in Light of Settlement in
6 this matter, reporting to the Court on May 12, 2023 that they had reached an individual settlement
7 in principle and proposing to report back on June 12, 2023. (ECF 214)

8 2. This Court approved the stipulation via its proposed Order (ECF 215) on May 15, 2023,
9 and set a Status Conference set for July 13, 2023. The same order set an associated Status Report
10 due July 6, 2023. The Parties read this docket text as superseding the proposal to provide a status
11 report on June 12, 2023.

12 3. The agreement in principle for an individual settlement remains, and the Parties are
13 engaging in continuing negotiations regarding the details of a settlement and reducing that
14 agreement to writing.

15 4. Since the Parties did not provide a Status Report by June 12, 2023, this Court has re-set
16 the July 13, 2023 hearing for October 19, 2023 (ECF 216, Clerk’s Notice).

17 5. The Parties anticipate that they will file a stipulation of dismissal consistent with a fully
18 negotiated individual settlement before October 19, 2023.

19 DATED: July 6, 2023

20 Respectfully submitted,

21 FRANCIS MAILMAN SOUMILAS, P.C.

22 By

23 /s/ James A. Francis

24 JAMES A. FRANCIS
25 Attorneys for Plaintiff
26 SHOSHA KELLMAN

1 BLAXTER | BLACKMAN LLP
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3 DATED: July 6, 2023

4 By: /s/ Brian R. Blackman
5 BRIAN R. BLACKMAN
6 J.T. WELLS BLAXTER
7 Attorneys for Defendant
8 WFM PRIVATE LABEL, LP, WHOLE FOODS
9 MARKET CALIFONRIA, INC. and WHOLE
10 FOODS MARKET SERVICES, INC.

11 **ATTESTATION**

12 I, James A. Francis, am the ECF User whose identification and password are being used to
13 file this Joint Status Report. In compliance with Civil L.R. 5-1(i)(3), I attest that Brian Blackman
14 has concurred in this filing.

15 /s/ James A. Francis

16 JAMES A. FRANCIS